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FILED
APR 13 1970
JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

NO. 1416

In the Matter of:

BEDFORD AVIATION, INC.
Alleged Bankrupt

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

ROBERT V. PACE
P. O. Box 172
Lexington, Massachusetts
Petitioner

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NOTE

Pages 6 & 7.

References 18U.S.C.13 and 42U.S.C.21 to be considered as if listed under STATUTES.

Page 18.

Paragraph 1, Line 8, Correct to read $20,000.

Petitioner

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PETITION
FOR A WRIT
OF CERTIORARI

Petitioner,
ROBERT V. PACE
P. O. Box 172
Lexington, Massachusetts
02173
617-275-0764
617-275-8422

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

Petitioner, Robert V. Pace, on behalf of Bedford Aviation, Inc., pray that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the First Circuit entered in the matter of Bedford Aviation, In., alleged bankrupt, #7478, in that court on January 13, 1970.

OPINION BELOW

The opinion of the United States Court of Appeals for the First Circuit entered on December 16, 1969 denied petitioner right to be heard. (App. A, p. 26).

The opinion of the United States Court of Appeals for the First Circuit entered on January 13, 1970, allowed the Appellee's Motion to Dismiss. (App. B, p. 28).

In an order entered February 2, 1970, a stay of mandate was granted by the United States Court of Appeals for the First Circuit. (App. C, p. 29).

In an order dated March 5, 1970, further stay of mandate was denied. (App. D, p. 30).

JURISDICTION

The court's jurisdiction is invoked under 28 U.S.C. 1401:

STOCKHOLDER'S DERIVATIVE ACTION

> Any civil action by a stockholder on behalf of his corporation may be prosecuted in any judicial district where the corporation might have sued the same defendants.

Other statutory provisions believed to confer jurisdiction on this appeal include:

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F.R.Civ.P. 17

PARTIES PLAINTIFF AND DEFENDANT; CAPACITY

(a) REAL PARTY IN INTEREST

Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, 'bailee,' trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action is brought; and when a statute of the United States so provides, an action for the use or benefit of another shall be brought in the name of the United States. 'No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of real party in interest.'

UNITED STATES CONSTITUTION
ARTICLE III, Section 1

The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good behaviour, and shall, at stated Times, receive for their services a Compensation which shall not be diminished during their Continuance in Office.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue.....

AMENDMENT V

No person shall be held to answer for a capital, or otherwise.....nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall

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make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

INTERSTATE COMMERCE ACT, as amended 49 U.S.C. 1, et seq.

It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulations of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each.....

CASES BELIEVED TO SUSTAIN JURISDICTION

Bolling v. Sharpe (1954) 347 U.S. 497 74S.Ct.693,694

And it has been declared that discrimination may be so arbitrary and injurious as to be deemed to be a violation of due process.

Link Aviation v. Downs, 325 F.2d613 (D.C.Cir.1963)

Levinson v. Deupree, 345 U.S. 648 (1953)

Gulf Oil Corp. v. Gilbert, 330 U.S. 501 (1947)

Elliot v. Peirsoll, 26 U.S. (1Pet.) 328 L.Ed. 164 (1828). Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and whether its decision be correct or otherwise, its judgment until reversed is regarded as binding in every other court. But if it acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought. Even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences are considered in law, as trespassers.

18 U.S.C. Ch. 13, Sect. 241
CONSPIRACY AGAINST RIGHTS OF CITIZENS

It two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or.....They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

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42 U.S.C. Ch. 21, Sect. 1985
OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified.....if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;.....

U.S.Cal. 1900
Osborne v. San Diego Lane & Town of Maine,
20 S. Ct. 860, 178 U.S. 22, 44 L.Ed. 961
A bill of review will lie for errors in a decree that are apparent on the face of a record.

QUESTIONS PRESENTED

The questions presented by this Petition For Writ of Certiorari to the United States Court of Appeals for the First Circuit include:

1. The denial to the petitioner of his right to due process of law in a fair trial pursuant to 28 U.S.C. 1401, F.R.Civ.P. 17 and the National Bankruptcy Act, said resulting from the complicity of attorneys and officials who suppressed from the petitioner and the courts, material facts that, if made known, the courts would have ordered an immediate dismissal of the fraudulent petition in bankruptcy.

2. The denial of the petitioner of due process in a fair trial by attorneys who concealed that the real assets were contained in lease rights worth millions of dollars and the company was not in a state of bankruptcy.

3. The denial to the petitioner of due process of law in that, through a conspiracy of attorneys, the petitioner was denied the opportunity to present to the court facts and issues relevant thereto:

   (a) That a 20-year lease with rights to install a fuel farm for jet aircraft was completely sponsored by Texaco, Inc., with initial investment of $56,000 and said interfered with by Humble Oil Co., through a conspiracy of

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intermediaries.

(b) That the installation of a 300-ft hangar facility was maliciously interfered with by a conspiracy within the Massachusetts Port Authority to allow the continuation of a monopoly, within a port of the United States, of Humble Oil Co.

(c) That the petitioner's attorneys of record deliberately contrived a fraudulent schedule of debts specifically designed to be misleading.

(d) That the petitioner was denied due process by the United States Court of Appeals in declining the hearing for the specific reason that the petitioner was not a member of the bar, while said petitioner, being the last remaining officer of the corporation and essentially in control of 100% of the stock, did rely fully on the letter and spirit of 28 U.S.C. 1401 entitled Stockholder's Derivative Action.

Had the petitioner been able to present relevant evidence and testimony, the court would have clearly seen irreparable damages caused to the petitioner and further, was being denied redress guaranteed under the Equal Protection Clause of the Constitution of the United States.

STATUTORY PROVISIONS INVOLVED

The petitioner questions the applicability of F.R.Civ.P. 11 as was interpreted by the United States Court of Appeals for the First Circuit where subsequently representation by a real party of interest was denied.

The petitioner, relying on F.R.Civ.P. 17, in that it specified that any party of interest may prosecute any suit and said being confirmed in the cases of Link Aviation, Inc. v. Downs, 325 F.2d 613 (D.C.Cir. 1963) and Levinson v. Deupree, 345 U.S. 648 (1953), and further, should the question arise as to the real party of interest, a decision by the Court should never be in the negative, as was well established in the case of Cf. Gulf Oil Corp. v. Gilbert, 330 U.S. 501 (1947), where it was clearly affirmed that in the absence of a party of real interest or the determination of a party of real interest, any party, having a derivative interest, may prosecute a law suit.

The petitioner, by this Petition For Writ of Certiorari, seeks to clarify the apparent conflict in the interpretation of Rule 11 by the United States Court of Appeals for the First Circuit and the specific rights to bring suit under F.R.Civ.P. 17 and 28 U.S.C. 1401.

In addition, the petitioner seeks to have this Honorable Court provide a speedy vehicle of remedy

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in the event a citizen or a person is being unjustly deprived of property, privileges or immunities through any conspiracy or complicity of representing counsel who, through acts of contending and opposing, omitting or deleting, or suppression of material facts, has, is or will cause irreparable damages to a party he is representing.

STATEMENT OF THE CASE

On May 3, 1968, by the use of an unwarranted petition against Bedford Aviation, Inc., proceedings in bankruptcy, #68-528, were instituted. Said proceedings were unlawfully, willfully, knowingly and intentionally entered into by a combination to effect the control of company assets.

Subsequent hearings, before the Referee, were carefully-contrived performances by said combination and designed to adversely affect the decision of the Referee and said resulted in adjudication on October 4, 1968.

A written notice to the Referee by your petitioner, for purposes of preventing adjudication and dated September 16, 1968, was willfully interfered with by the combination until after adjudication on October 4, 1968, whereas said petitioner immediately objected to the adjudication and a Petition For Review by your petitioner was heard on May 1, 1969.

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The United States District Court for the District of Massachusetts dismissed the Petition For Review on September 30, 1969 and an appeal to the United States Court of Appeals for the First Circuit was dismissed on January 13, 1970 pursuant to an Order of Court dated December 16, 1969.

It has long been established that when a court acts without authority and/or when decisions have been based on suppression of material facts, said decisions are not voidable but simply void. This ruling has prevailed in many instances since Eliot v. Piersoll and herein said petitioner is relying that the decision of the Bankruptcy Court, entered on October 4, 1968 by the Honorable Thomas W. Lawless, Referee in Bankruptcy, is not voidable, but simply void.

REASONS FOR GRANTING THE WRIT

Petitioner bases his Petition on two grounds:

(1) Rule 19 1(b) of the Court providing for the granting of the writ of certiorari in a trial which "has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision" pursuant to the irregularities of proceedings in the Court of Bankruptcy.

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(2) That the conduct of the attorneys in suppressing and concealing evidence from the Referee in Bankruptcy is so contrary to the overriding concepts of decency and fair play which this Court has heretofore proclaimed to be integral parts of due process, that this Court's power of supervision should be exercised.

I

It is difficult to understand how far the proceedings in bankruptcy departed from the accepted and usual course of judicial proceedings since most of this is de hors the record and was ascertained after the adjudication unless certain commitments, conversation and communication with the Referee in Bankruptcy, the Honorable Thomas W. Lawless, are carefully considered.

Referee Lawless asked of Attorney Sesnovich:

(Q) But Harry, I've known you for many years, and have never seen you act like this.

(A) Why should we make Pace a millionaire?

The main objection and question related to the above conversation was that:

a. Said Sesnovich did not fully identify himself to the petitioner as to whom he was representing.

b. Said Sesnovich did not identify, to the petitioner, the amount and nature of claim.

c. Said Sesnovich never had his claim verified

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nor did the trustee, counsel for trustee, receiver or attorneys of record for the petitioner ever question said Sesnovich's standing within the Court but yet, said Sesnovich was nevertheless given the floor and allowed to adversely influence parties of interest at a meeting of the creditors.

d. Said Sesnovich was knowledgable of the value of the lease by the very manner of his answers to the Referee relevant to making Pace a millionaire. It must be assumed then that in accordance with information known to said Sesnovich, the lease rights did have value up in the millions and therefore, Bedford Aviation, Inc., holder of said lease rights, was not in a state of bankruptcy.

And again, during a cross-examination to the petitioner, the following colloquy took place before the Referee:

GERALD ROSEN: If we approve the reorganization and the Chapter Eleven, can you raise the amount of $24,000?

R. V. PACE: The question of $24,000 is not an issue. The money is available.

What Mr. Rosen failed to tell the Referee was that that same evening when arrangements were underway to deliver the $24,000 which was to include all fees and disbursements as approved by the

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court under Chapter Eleven, the said Rosen, in concert with Attorney Irwin Springer, and counsel for trustee Joseph Braunstein, demanded a pay-off of $50,000 in addition to the $24,000.

And again, during a hearing, where considerable confusion, irregularities and other carefully-designed schemes prevailed:

> ATTORNEY GARGILL: Why don't we just auction off the lease right here in this room?
> R. V. PACE: Objection, Your Honor, the lease is the issue and not a bankruptcy. These people are trying to steal my lease. This lease is valuable and definitely an asset of the company.

Said address to the Referee was quickly suppressed by the petitioner's attorneys in that Attorney Springer whispered clearly and distinctly to the petitioner the following innuendoes and intimidations:

> ATTORNEY SPRINGER: Pace, if you don't sit down immediately and stop interfering with the proceedings, you're going to be adjudicated. I can tell the Referee is very angry at your behavior, so sit down, keep your mouth shut, and let us handle the entire proceedings. You're not a lawyer, so sit down.

The above recital by Gargill clearly shows that it was his opinion that the lease had substantial value and said being in conflict with the contention of

Joseph Braunstein, counsel for trustee, that the lease rights had no value even though said Braunstein was made aware of and clearly understood that Bedford Aviation, Inc. could not function without the rights and privileges that were included in said lease and further, it must be observed as to what possible reason motivated Irwin Springer, counsel for the petitioner, to suppress material facts to the Referee as to the value and substance included in said lease rights.

In addition to the preceding relevant to hearings before the Referee, the fact that a certain Benjamin Lacey, attorney for Sanford E. Wolf, continually supporting the outbursts by Gargill and Sesnovich, must also be considered wherein said Sanford E. Wolf, being former treasurer of Bedford Aviation, Inc., while at the same time Leo C. Gallagher was acting as consultant to Bedford Aviation, Inc. and the petitioner.

II

REASON PETITIONER IS WITHOUT BENEFIT OF COUNSEL

During hearings before the Referee, the Honorable Thomas W. Lawless, in the United States District Court for the District of Massachusetts, attorneys Gerald Zyfers, William A. Doherty and James M. McDonough were retained on account of irregu-

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larities and misconduct by attorney Gerald Rosen, counsel of record; attorney Joseph Braunstein, counsel for the trustee; attorney Charles Callahan, trustee in bankruptcy; and attorney Irwin Springer, counsel for the petitioner, while said attorney Springer was deliberately interfering with the reorganization by producing a certain Ray Baldwin, a Donald Frank and a Richard Treadway, under guise of investors representing insurance, hotel and mutual fund interests in order to discourage further participation by a certain David E. Kinley who had made a deposit of $7,500 and was in process of converting stock to complete the $24,000 total deposit ordered by the Referee, and further discovery subsequent to retaining a certain attorney George Shire revealed that Shire, Zyfers, Doherty and McDonough were being discouraged through threats and intimidations by the combination which included Sanford E. Wolf, from a New York syndicate and Leo C. Gallagher as intermediary between the Massachusetts Port Authority, Humble Oil and said Wolf, and being supported by the said Rosen, Braunstein, Callahan and Springer while allegedly representing the interests of the petitioner.

Consideration must also be given that in order to sustain a certain credibility of innocence, the said attorneys did engage in schemes and devices that were specifically calculated to defraud the petitioner while providing an outward appearance of

legal advice, protection and representation and more specifically, on September 10, 1968, attorney Springer, Ray Baldwin and Donald Frank produced a certificate of deposit, drawn on the City Bank and Trust Company, in the amount of $20,000, and valid until October 24, 1968.

In addition, the petitioner was given a copy of a letter addressed to the Referee which purportedly accompanied and posted the said certificate of deposit in the Bankruptcy Court. Said letter was dated September 10, 1968 and signed by the said Donald Frank, whereupon Ray Baldwin, Gerald Rosen and Irwin Springer advised the petitioner that, on account of the said $24,000, in addition to David Kinley's certified check that had been deposited with Joseph Braunstein, counsel for trustee, the entire proceedings in the Bankruptcy Court were now under control as the amount deposited exceeded the order of the Referee and no further funds were required to be posted by the said David E. Kinley.

Then, without apparent reason, warning or justification, all of the above attorneys, investors and participants, excepting David E. Kinley, simultaneously and untimely abandoned the petitioner, which gave the combination leave to effect theft, destruction and sabotage of all rights, privileges and properties of the petitioner, while local law enforcement agencies, influenced by the combination, proceeded

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under guise, color and cover of law, to plague, harass, intimidate, threaten and arrest the petitioner, now without counsel or representation.

In addition, said Joseph Braunstein, at a hearing on May 1, 1969, in the United States District Court for the District of Massachusetts, before a certain Justice Frank J. Murray, flatly and irrevocably denied any knowledge relevant to a Donald Frank and his $20,000 certificate of deposit and/or any knowledge of the letter signed by said Donald Frank which purportedly posted the said certificate of deposit in the amount of $20,000.

Coincidentally, on even date, subsequent to the hearing, your petitioner narrowly escaped serious injuries when a vehicle, registered in the Commonwealth of Massachusetts, jumped onto the sidewalk, just missing your petitioner, then swerving back onto the roadway, resulting in a 3-car collision, while the passenger in said vehicle being purportedly imported from the state of California.

Irrespective of coincidences involving freak, separate automobile fatalities of certain employees of the petitioner, several other associates suffered fatal injuries in separate aircraft crashes of undetermined origin, including David E. Kinley, ex-Navy pilot and financial backer for the petitioner. Said Kinley perished with his wife and two children in their private aircraft on December 27, 1968,

subsequent to disclosures on December 23, 1968 that he had given notification for a Senate investigation of the Massachusetts Port Authority because of the irregularities involved in the bankruptcy proceedings and the conversion of the lease rights to Wolf and Gallagher under title of Lexington Aviation, Inc. on December 20, 1968.

Further discoveries relevant to the structure of the Massachusetts Port Authority purport that Leo C. Gallagher had influence over its chief counsel, a certain Neil L. Lynch, who, under cover of his legal office, has interpreted, directed and advised members of the Authority that the Enabling Act of the Massachusetts Port Authority is virtually without bounds and more especially, being supported by said Lynch's ready access to the legal community, the office of the Governor, the office of the Attorney General, the State Police and certain other police officials of the six towns that surround Bedford Airport and thus providing said Lynch of enormous powers and vast influence while exercising the position of legal advisor to Edward J. King, Executive Director of the Massachusetts Port Authority who was dissuaded and deterred by said Lynch from the exercise of his opinion to consider the return of the lease rights of the petitioner, while, on or about March 23, 1970, a certain member of the combination offered to "tell all" to the petitioner in exchange for a sizeable monetary consideration.

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Petitioner's attempts to exercise his constitutional rights to redress, under the United States Constitution, Article 3, Section I, in the inferior courts, prior to this Petition For Writ of Certiorari to the Supreme Court of the United States, have been unsuccessful, and more specifically, on December 13, 1968, the petitioner brought suit against the Massachusetts Port Authority where jurisdiction was declined by the United States District Court for the District of Massachusetts, CA 68-1037-C and said being affirmed by the United States Court of Appeals for the First Circuit, Docket 7318, and a subsequent suit against Lexington Aviation, Inc. by the petitioner in a state court was dismissed on motion by counsel of said Lexington Aviation, Inc. for reason that the petitioner was not a member of the bar.

SUMMARY OF RELATED EVENTS

In order that this Court establish some order of semblance and relationship to the irregularities and material facts presented, it should duly consider that Sanford E. Wolf is purported to be a leader of the SDS Movement and main faction to the student revolt at Brandeis University and further, mingled within the same cult that included a leader for a teachers' strike in the Town of Woburn, a certain Janet Bellizia. Also, this Court must consider another cult member, a certain Harold Barnes, who

allegedly committed perjury in a state court to deprecate the petitioner and then purportedly acted in concert with attorney Gerald Rosen and a certain attorney F. Lee Bailey, relevant to a take-over of a helicopter manufacturing company subsequent to confiscation by said Barnes of plans, specifications, patterns, ideas and techniques of the Umbaugh Gyrocopter Company where he had been employed and that said F. Lee Bailey, being the same Bailey, president of Patco and leader of the air controllers' disruption.

These demonstrations challenging the authorities of Federal laws and the "Anti-Vietnam War Bill," purportedly generated from the office of the Governor, and the office of the Attorney General for the Commonwealth of Massachusetts and allegedly under similar influences, give leave, credence, reason, motive and opportunity to the combination which, through a very carefully-planned exercise of a conspiratorial technique, did deliberately challenge the National Bankruptcy Act and did deprecate your petitioner.

III

Petitioner respectfully invites the Court's attention that with all averments, statements and facts supplied in matters relevant thereto in both the Bankruptcy Court and the United States District

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Court for the District of Massachusetts and the United States Court of Appeals for the First Circuit, no apparent action was taken to test the veracity of such serious averments.

Such cynical and callous indifference to the guilt or innocence of the combination and conspiracy is shocking including the apathy of the local law enforcement officials, officers and political influences and further, that such conduct has always been reputedly condemned by this Court.

The petitioner's allegations, arising from what he believes to be probable cause of guilt, by actions and activities relevant and related, cannot be proved or disproved but are merely facts or statements left to wither or decay, leaving the only positive results that, in fact, if such averments and allegations are material, the guilty shall forever remain free of punishment with reason and motive to encourage further illegal and unjust actions.

In a long line of cases, this Court delineated certain standards of decency and fair play. The late Mr. Justice Frankfurter used to characterize departures from these standards as "conduct that shocks the conscience." The conduct of the combination and further, the difficulty sustained by the petitioner in obtaining redress involves so great a departure from these fundamental guide-lines of decency that it, indeed, shocks the conscience and

the sensibilities of an average person or citizen and thereby calls for the intervention of this Court's power.

The gist of the petitioner's complaint is evasion, suppression, and equivocation by state public officials, the legal community of the Boston area and local law enforcement agencies.

Mr. Justice Cardozo in his essay, Law and Literature (Harcourt Brace and Co., 1931) says: "What a cobweb of fine-spun casuistry is dissipated in a breath by the simple statement of Lord Esher in Ex parte Simonds, that the Court will suffer its own officer 'to do a shabby thing.'" We ask the Court to not permit public officials of the Commonwealth of Massachusetts to do a "shabby" thing as they have attempted to do here.

The above irregularities, in addition to other incidents, accidents and coincidences, leave cause to believe that the Supreme Court of the United States extends the power of supervision for purposes of allowing the Petition For Review and that the petitioner, Robert V. Pace, the last surviving party of interest, be allowed to represent and present facts, recitals and averments for purposes of redress, for deprivation of rights and property, and said being precedented by the cases of:

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Elliot v. Peirsoll, 26 U.S. (1Pet.) 328 L.Ed. 164 (1838). (Pet., p. 6)

Osborne v. San Diego Lane & Town of Maine, 20 S. Ct. 860, 178 U.S. 22, 44 L.Ed. 961 (Pet., p. 7)

CONCLUSION

This Honorable Court should grant this Petition For Certiorari to review the errors of the United States Court of Appeals for the First Circuit in allowing the Appellee's Motion to Dismiss, resulting from the suppression of material evidence, and in addition, this Court's power of supervision should be particularly exercised over the conduct of the officers of the Court In Bankruptcy and public officials of the Commonwealth of Massachusetts.

Respectfully submitted,

Robert V. Pace
Petitioner

APPENDIX A

No. 7478

In the Matter of

BEDFORD AVIATION, INC.
Bankrupt, Appellant.

ORDER OF COURT

Entered December 16, 1969

The principle is well established that persons who are not members of the bar cannot act as legal counsel for parties other than themselves. A corporation falls within this principle.

In the present case one Pace, who apparently is an officer of appellant Bedford Aviation, Inc., proposes to represent it on its appeal. He is not a member of the bar. According to the statement of proposed issues submitted on behalf of appellant by Mr. Pace there are criticisms of the reasons and motives and of alleged irregularity in the conduct of various attorneys in the course of the proceedings in the bankruptcy court. These criticisms may or may not be well taken. However, at a minimum, the court, and the persons involved, are entitled to have any prosecution of such claims

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endorsed by a good faith representation of merit by another member of the bar. See, e.g., F.R.Civ. P. 11. A layman is in no position to give such endorsement.

The appearance of Robert V. Pace on behalf of appellant is hereby ordered returned, and the "Designations and Issues" is hereby ordered stricken and returned. If appellant wishes this appeal prosecuted, it behooves it to obtain legal counsel.

By the Court:

ROGER A. STINCHFIELD, Clerk

By /s/ Dana H. Gallup
Chief Deputy Clerk

cc: Bedford Aviation, Inc.
Mr. Braunstein

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 7478

In the Matter of

BEDFORD AVIATION, INC.,
Bankrupt, Appellant.

ORDER OF COURT

Entered January 13, 1970

On appellee's motion to dismiss the appeal, and upon the court's full examination of the contents of the brief, although same has not been filed because improperly tendered in violation of our order of December 16, 1969, the within appeal is dismissed, both for want of prosecution, and under local Rule 5 because the court can find no semblance of merit therein.

By the Court:

/s/ Dana H. Gallup
Clerk.

cc: Mr. Pace
Mr. Braunstein

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APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 7478

In the Matter of
BEDFORD AVIATION, INC.,
Bankrupt, Appellant

ORDER OF COURT
Entered February 2, 1970

Upon motion of appellant, to stay mandate herein pending an application to the Supreme Court of the United States for a writ of certiorari, the same to be filed by March 5, 1970, and notice of such filing to be filed promptly with the Clerk of this Court,

It is ordered that said mandate be, and the same hereby is, stayed.

By the Court:

DANA H. GALLUP
Clerk

By /s/ Grace V. Carey
Deputy Clerk

cc: Mr. Pace
Mr. Braunstein

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 7478

In the Matter of
BEDFORD AVIATION, INC.,
Bankrupt, Appellant.

ORDER OF COURT

Entered March 5, 1970

It is ordered that appellant's motion for further stay of mandate be, and the same hereby is, denied.

By the Court:

/s/ Dana H. Gallup
Clerk

cc: Mr. Pace
Mr. Braunstein